

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JACOB E. ABILT,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,
et al.,

Defendants.

Case No. 1:14-cv-01031-GBL-IDD

DEFENDANTS' MOTION TO DISMISS

Defendants hereby respectfully move the Court to dismiss Plaintiff's Complaint in its entirety. Defendant John O. Brennan, Director of the Central Intelligence Agency ("CIA"), has asserted the state secrets privilege as well as statutory privileges over information essential to the litigation of Plaintiffs' claims, as described in the Director's public and *ex parte, in camera* declarations. Thus, because any litigation of Plaintiff's claims would require the disclosure of privileged information that in the broader public interest must not be revealed, Plaintiff's claims must be dismissed. *See Sterling v. Tenet*, 416 F.3d 338, 348 (4th Cir. 2005) ("[W]here the very question on which a case turns is itself a state secret, or the circumstances make clear that sensitive [state] secrets will be so central to the subject matter of the litigation that any attempt to proceed will threaten disclosure of privileged matters, dismissal is the proper remedy.") (internal quotation marks omitted).

In further support of the instant Motion, the Court is respectfully referred to the Memorandum in Support filed herewith; to the public declaration of CIA Director John O.

Brennan, which sets out in as much detail as can safely be placed on the public record the reasons why this case cannot go forward; and to the *ex parte, in camera* declaration of Director Brennan.

Dated: December 5, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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Dated: December 5, 2014

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